

P 221600Z JAN 09
FM AMEMBASSY PRETORIA
TO SECSTATE WASHDC PRIORITY 7104
INFO DEPT OF JUSTICE WASHDC PRIORITY

UNCLAS PRETORIA 000131

DEPT FOR AF/S AND INL

E.O. 12958: N/A

TAGS: [KCRM](#) [SF](#) [PHUM](#) [KWMN](#) [SOCI](#) [EAID](#) [PGOV](#)

SUBJECT: CHIEF JUSTICE WELCOMES USG INVOLVEMENT WITH NEWLY DEVELOPED JUDICIAL EDUCATION INSTITUTE

¶11. SUMMARY: Intermittent Legal Advisor (ILA) recently met with Chief Justice Pius Langa of the Constitutional Court, the highest court in South Africa, analogous to the U.S. Supreme Court. This meeting in Chief Justice Langa's chambers, was also attended by representatives of the United States Agency for International Development (USAID). The purpose of the meeting was to discuss with Chief Justice Langa the U.S. Government's assistance with the development and implementation of the Judicial Education Institute (JEI), which provides training to members of the South African judiciary. Prior to this meeting, the ILA discussed her role in the Women's Justice and Empowerment Initiative (WJEI) program with members of USAID and South Africa's Department of Justice and Constitutional Development. Everyone agreed that the WJEI program could add value to the development of curricula for courses within the JEI initiative that relate to the adjudication of cases that involve gender-based violence.

HOW USG CAN ASSIST WITH THE DEVELOPMENT OF THE JEI

¶12. USAID's D&G team discussed how they can assist with the development and implementation of the JEI. The ILA presented detailed information regarding the WJEI program to Chief Justice Langa. Chief Justice Langa was briefed on the ILA's experience as a federal prosecutor in the United States, the origin and mission of the WJEI program, and how the USG, through WJEI, can assist with the development of curricula on the adjudication of cases involving gender-based violence, especially regarding the adjudication of sexual assault cases. Chief Justice Langa asked about the types of topics that such a curriculum could cover, the ILA cited various specific issues that frequently arise in sexual assault cases, which includes, but is not limited to the following: 1) the importance of understanding how trauma affects the behavior of a rape victim, and how such information can be used to assess a victim's credibility; 2) the importance of understanding why victims may engage in delayed and intermittent reporting after having been raped; 3) the importance of understanding why a rape victim may not have any physical injuries as a result of the attack, and how that evidence should be considered by a judicial officer; and 4) how to address evidentiary issues that may arise during the trial in a manner that protects the accused's constitutional rights, while ensuring that the victim's rights are protected under the law. The ILA also explained the importance of having these, and other principles, included in a judicial curriculum, due to the importance of all judges awareness of these issues and adhere to the same standard when they are evaluating evidence in sexual assault cases. Chief Justice Langa agreed that these issues should be considered by judicial officers who are presiding over these types of cases. The ILA also cited a curriculum that has been widely used by judicial officers in the United States, developed by the National Judicial Education Program in New York City. Chief Justice Langa was very receptive, and he commented on the value of having a technical advisor here in South Africa who can highlight the sensitive and complex issues that arise in sexual assault cases for members of the judiciary to consider. It was clear from his comments that issues involving gender-based violence are important to him, and

that the development of curricula in the JEI on this topic
that the development of curricula in the JEI on this topic
would be a valuable contribution by the U.S.G.

TRAINING OF THE MAGISTRATES AND JUDGES

13. The Chief Justice said the JEI would provide training to magistrates and judges in the Regional and High Courts, while the existing Justice College would continue to provide services to prosecutors and other members of the justice sector. In order to begin the development phase of the JEI Chief Justice Langa stated that he would be establishing a Judicial Council before the end of 2008, and expects this Council will be "hitting the ground running" in order to begin working on the establishment of the JEI. Once the Council has been established, the Chief Justice will invite members of the USG. to do a presentation to the Council regarding how it can assist with the formation of the JEI.

CHIEF JUSTICE WELCOMES USG INVOLVEMENT

14. Chief Justice Langa found the meeting with the USG representative to be "very useful" because we provided him with practical suggestions regarding the development and implementation of the JEI. The Chief Justice asked for a written summary of the meeting and said he would share our information with the Council and invite us to conduct a presentation.

LA LIME